

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA)
v.)
DENNIS MIRACLE,)
Defendant.)
) Case No. 2:10CR00010
)
) ORDER
)
) By: James P. Jones
) United States District Judge

For the reasons set forth in the Opinion accompanying this Final Order, it is
ORDERED that the Motion to Dismiss (ECF No. 51) is GRANTED; the defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (ECF No. 43) is DENIED; and the § 2255 proceeding is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: December 12, 2013

/s/ James P. Jones
United States District Judge